

UNITED STATES DISTRICT COURT

for the
Western District of Virginia

JAN 11 2019

JULIA C. DUDLEY CLERK
BY: *Hoppe*
DEPUTY CLERK

3:19mj00001

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)
 GOOGLE, INC. EMAIL ADDRESS:
 KYLE.WRIGHT42@GMAIL.COM

)
)
)
)
 Case No.

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A (incorporated herein by reference)

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B (incorporated herein by reference)

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2101	Riots

The application is based on these facts:

Please see attached Affidavit.

- Continued on the attached sheet.
 Delayed notice of 180 days (give exact ending date if more than 30 days: 07/09/2019) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

David Wolf

Applicant's signature

David Wolf, Special Agent

Printed name and title

J.C. Hoppe

Judge signature

Joel C. Hoppe, U.S. Magistrate Judge

Printed name and title

Sworn to before me and signed in my presence.

Date: 01/11/2019

City and state: Charlottesville, Virginia

SEALED
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

JAN 11 2019

JUNIA C. DUDLEY CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
EMAIL ADDRESS:
KYLE.WRIGHT42@GMAIL.COM
WHICH IS STORED AT PREMISES
CONTROLLED BY GOOGLE, INC.

Case No. 3:19-mj-00001

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A WARRANT TO SEARCH AND SEIZE**

I, David Wolf, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I make this affidavit in support of an application for a search warrant for information associated with a certain account that is stored at premises controlled by **GOOGLE, INC. ("GOOGLE")**, an electronic communications provider headquartered at 1600 Amphitheatre Parkway, Mountain View, CA 94043. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require **GOOGLE** to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

2. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been so for five years. My principal duties include the investigation of, among other matters, domestic terrorism violations of the United States.

3. I am a federal law enforcement officer under applicable provisions of the United States Code under Rule 41(a) of the Federal Rules of Criminal Procedure. I am charged with the duty of investigating federal violations of the Laws of the United States as enumerated under the Enactment of Title 18. I have received training and have experience in the enforcement of the laws of the United States, including the preparation and presentation of search warrants, and in executing court-ordered search warrants.

4. I make this affidavit in support of an application by the United States of America for a warrant to search and seize evidence associated with **GOOGLE** email account **KYLE.WRIGHT42@GMAIL.COM** as further described in Attachment A.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, § 2101 (Riots), have been committed by **RACHEL MICHELLE MYLES (MYLES)**, **KYLE WRIGHT (WRIGHT)**, and **DANIEL NGUYEN (NGUYEN)**. There is also probable cause to search the information described in Attachment A for evidence of these crimes further described in Attachment B.

6. Through training and experience, the Affiant has knowledge that domestic terrorists and persons affiliated with anarchist groups and/or conspirators will utilize cell phones, and other electronic devices, electronic mail (“email”), and social media to conduct their illegal activity and maintain contact with other confederates, conspirators and criminal associates involved with the planning, targeting, and execution of their political or social goals to include, but not limited to, espousing violence.

7. The Affiant bases this affidavit upon personal knowledge and observations made during the course of this investigation, information conveyed to me by other law enforcement

officers assigned to this investigation, and upon my personal reviews of records, documents, and items lawfully obtained by third parties. This affidavit is not intended to include each and every fact known to me or the other investigating agencies, nor does it reflect all the evidence developed during the course of the investigation. Instead, the Affiant has set forth sufficient information to merely show that there is sufficient probable cause for the requested warrant. Where the contents of documents and the actions, statements and conversations of others are reported herein, they are reported in substance and in part.

RELEVANT STATUTE

8. *Riots*, Title 18, United States Code, Section 2101, provides that, “Whoever travels in interstate or foreign commerce or uses any facility of interstate or foreign commerce, including, but not limited to, the mail, telegraph, telephone, radio, or television, with intent to incite a riot; or to organize, promote, encourage, participate in, or carry on a riot; or to commit any act of violence in furtherance of a riot; or to aid or abet any person in inciting or participating in or carrying on a riot or committing any act of violence in furtherance of a riot; and who either during the course of any such travel or use or thereafter performs or attempts to perform any other overt act for any purpose specified in subparagraph (A), (B), (C), or (D) of this paragraph” shall be guilty of a federal offense.

JURISDICTION

9. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), &

(c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offenses being investigated.” 18 U.S.C. § 2711(3) (A)(i).

BACKGROUND

10. The FBI is conducting an investigation into possible violations of federal criminal law committed by WRIGHT, an individual who by his own admission, is a member of the anti-fascist group, ANTIFA. The investigation was initiated following receipt of information that MYLES, WRIGHT, and NGUYEN, attended the August 12, 2017 “Unite the Right” Rally in Charlottesville, VA. MYLES conducted two separate attacks upon protestors, with WRIGHT and NGUYEN providing protection for MYLES while the violent encounters occurred.

11. The below screenshot is a Facebook post made on August 24, 2017. The Facebook user, “Kyle Mean-Manlett Wright”, is known to law enforcement as being utilized by WRIGHT. The following screenshot of WRIGHT’s Facebook page is captioned, “Not only did Nazis get me, they did some free promotion for my band! Thanks ya’ll!” Of note is a reply post by Phillip IGYARTO (IGYARTO), who will be discussed later in this affidavit, wherein IGYARTO

comments, "Yo send me the link lmao" on August 24 at 1:44 p.m.



Kyle Mean-Manlett Wright updated his profile picture
August 24 at 1:50pm

...

Not only did Nazis get me, they did some free promotion for my band!
Thanks ya'll!



Share

00

View 12 more comments



Daniel Muri Why were they lookin for you?

August 24 at 1:20pm

→ **Kyle Mean-Manlett Wright** replied · 1 Reply



Phillip Iggyarts Yo send me the link lmao

August 24 at 1:44pm



Sam Jacobson Sick album cover bro

→ 2 · August 24 at 1:44pm



Jack Pitman Why did they circle the freckle on your face?

August 24 at 4:24pm

→ **Kyle Mean-Manlett Wright** replied · 1 Reply

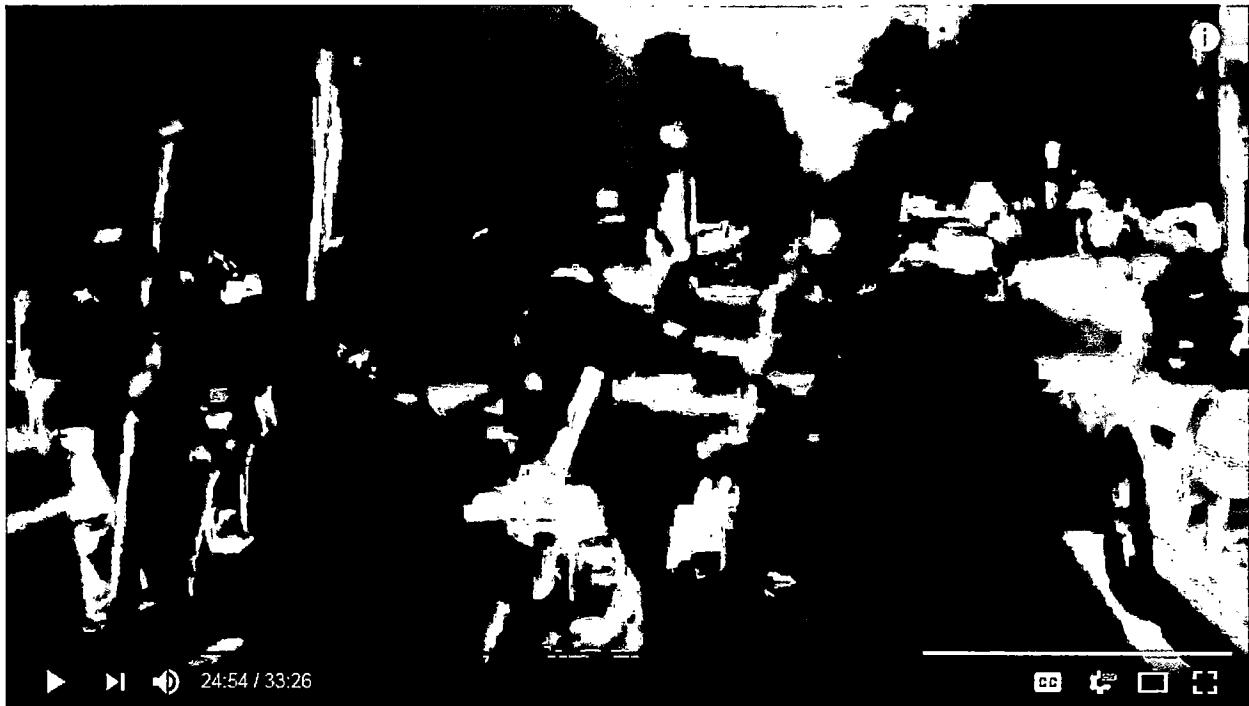
12. The following series of screenshots related to these assaults are taken from a video uploaded to YouTube on October 16, 2017 entitled, "The Movie 2.0: Alt-Right vs Antifa in

Charlottesville - DeAndre Harris, Corey Long, Harold Crews". As seen in the two screenshots below, MYLES takes hold of VICTIM 1's (wearing khaki pants in middle of photo) flagpole:



13. In the next two screenshots, MYLES (dressed in all black to the right of Victim 1) is seen kicking VICTIM 1. NGUYEN is wearing the light green and black backpack and is

pictured to the left of Victim 1.



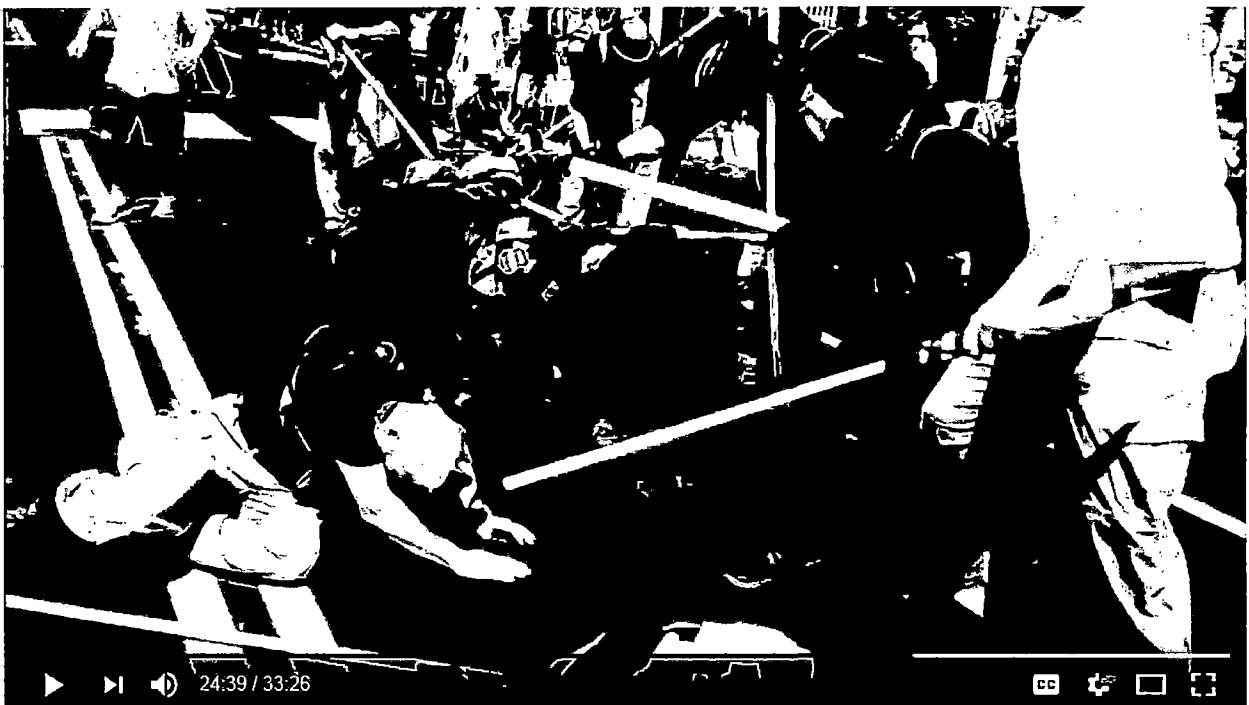
14. MYLES then throws VICTIM 1 to the ground after a second kick, this time to VICTIM 1's knee, while WRIGHT seen in the far right of the frame, provides protection and cover.



15. MYLES strikes VICTIM 1 in the right temple several times:



16. NGUYEN is seen below trying to keep an individual away who appears to be trying to assist VICTIM 1.



17. The second confrontation that MYLES was engaged in is seen in the below screenshots with VICTIM 2, which were taken from a YouTube video uploaded on August 12, 2017, entitled, "Charlottesville Unite The Right Rally Charlottesville VA August 12 2017". MYLES is observed approaching (VICTIM 2) and engaging VICTIM 2 as he pushes MYLES

away. Seen in MYLES hand is a blue spray canister, which is depicted in the following screenshots:



18. MYLES continues to follow VICTIM 2 as he is walking down E. Market Street, when she aims the spray canister. VICTIM 2 is pushed into MYLES by another unidentified individual wearing all black clothing:



19. MYLES is then seen taking the spray canister and lifting it in front of VICTIM 2's face, while NGUYEN is seen following MYLES close behind:



20. VICTIM 2 tries to get away from MYLES and pushes her away, at which time MYLES throws the blue canister at VICTIM 2:





21. MYLES then chases VICTIM 2 and tries to stomp his knee:



22. WRIGHT and NGUYEN are seen trailing MYLES to protect her, and WRIGHT is seen using the wooden board (with a metal door handle attached) to keep others away:



23. In a Facebook Search Warrant return on **SALOMONSHREDERMR1**, known to be utilized by WRIGHT, investigators identified the following communication between WRIGHT and IGYARTO on July 24, 2017, approximately two weeks before the Charlottesville August 12, 2017 rally:

- a. WRIGHT: "yo, let's meet up this week and talk. there's and action coming up in a few weeks that we should coordinate on and get others involved in. Also, because

of the nature of the action (I'll fill you in in person) any and all details need to stay out of cyber space. Word of mouth only”

- b. IGYARTO: “okay, you wanna gather the goons?”
- c. WRIGHT: “At least Dylan. Anyone you can trust.”

24. On August 11, 2017, one day before the August 12th rally in Charlottesville, WRIGHT initiated another Facebook message with IGYARTO:

- a. WRIGHT: “what are you doing”
- b. IGYARTO: “Hanging out with work comrades”
- c. WRIGHT: “we need the goon squad”
- d. IGYARTO: “For kwhat?
- e. WRIGHT: “Cville”
- f. IGYARTO: “My boss just said I can go”
- g. WRIGHT: “to cville?”
- h. IGYARTO: “Yeah Wanna grab Dylan?”
- i. WRIGHT: “Yeah what’s your email, I got stuff to send you”
- j. IGYARTO: phillip.igyarto@gmail.com
- k. WRIGHT: “key is goonskwad”

25. On June 29, 2017, Facebook user Chase DESTIERRO asked WRIGHT for his email address, to which WRIGHT responded: KYLE.WRIGHT42@GMAIL.COM.

26. Based on the aforementioned communications between WRIGHT and IGYARTO, your Affiant believes that potential evidence may exist in email accounts and KYLE.WRIGHT42@GMAIL.COM and PHILLIP.IGYARTO@GMAIL.COM, which may reveal a premeditated intent to participate in violence in Charlottesville on August 12, 2017 in

violation of Title 18 U.S.C. § 2101. Your Affiant also believes from experience and training that potential additional communications may be stored at the aforementioned email addresses as justification for the requested scope of dates for the search warrant.

27. According to returns generated by Facebook responsive to a search warrant issued on September 14, 2017, the government obtained inculpatory evidence that WRIGHT had violated 18 U.S.C. § 2101. This evidence includes, but is not limited to, (1) statements by WRIGHT that confirmed his presence in Charlottesville; (2) statements by WRIGHT stating he needed the “goon squad” for “Cville”, and (3) statements by WRIGHT approximately two weeks prior to the August 12, 2017 Unite the Right Rally in Charlottesville that indicate a desire to conceal communications due “to the nature of the action...any and all details need to stay out of cyber space.”, which may provide potential consciousness of guilt evidence for the crimes that are subject of this investigation. Additionally, as seen above, WRIGHT was observed “aiding any person in...committing any act of violence in furtherance of a riot;” in violation of 18 U.S.C. § 2101(a)(4).

BACKGROUND CONCERNING EMAIL

28. In my training and experience, I have learned that GOOGLE provides a variety of online services, including electronic mail (“email”) access, to the public. GOOGLE allows subscribers to obtain email accounts at the domain name **gmail.com**, like the email account[s] listed in Attachment A. Subscribers obtain an account by registering with GOOGLE. During the registration process, GOOGLE asks subscribers to provide basic personal information. Therefore, the computers of GOOGLE are likely to contain stored electronic communications (including retrieved and un-retrieved email for GOOGLE subscribers) and information concerning subscribers and their use of GOOGLE services, such as account access information, email transaction information, and account application information. In my training and experience, such

information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

29. An GOOGLE subscriber can also store with the PROVIDER files in addition to emails, such as address books, contact or buddy lists, calendar data, pictures (other than ones attached to emails), and other files, on servers maintained and/or owned by GOOGLE. In my training and experience, evidence of who was using an email account may be found in address books, contact or buddy lists, email in the account, and attachments to emails, including pictures and files.

30. In my training and experience, email providers generally ask their subscribers to provide certain personal identifying information when registering for an email account. Such information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users. Based on my training and my experience, I know that, even if subscribers insert false information to conceal their identity, this information often provides clues to their identity, location, or illicit activities.

31. In my training and experience, email providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (*i.e.*, session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the Provider's website), and other log files that reflect usage of the

account. In addition, email providers often have records of the Internet Protocol address (“IP address”) used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address information can help to identify which computers or other devices were used to access the email account.

32. In my training and experience, in some cases, email account users will communicate directly with an email service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Email providers typically retain records about such communications, including records of contacts between the user and the provider’s support services, as well as records of any actions taken by the provider or user as a result of the communications. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account’s user or users.

33. As explained herein, information stored in connection with an email account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored in connection with an email account can indicate who has used or controlled the account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, email communications, contacts lists, and images sent (and the data associated with the foregoing, such as date and time) may indicate who used or controlled the account at a relevant time. Further, information maintained by the email provider can show how and when the account was accessed or used. For example, as

described below, email providers typically log the Internet Protocol (IP) addresses from which users access the email account, along with the time and date of that access. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the email account access and use relating to the crime under investigation. This geographic and timeline information may tend to either inculpate or exculpate the account owner. Additionally, information stored at the user's account may further indicate the geographic location of the account user at a particular time (*e.g.*, location information integrated into an image or video sent via email). Last, stored electronic data may provide relevant insight into the email account owner's state of mind as it relates to the offense under investigation. For example, information in the email account may indicate the owner's motive and intent to commit a crime (*e.g.*, communications relating to the crime), or consciousness of guilt (*e.g.*, deleting communications in an effort to conceal them from law enforcement).

CONCLUSION

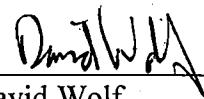
34. Based on the foregoing, I request that the Court issue the proposed search warrant. Because the warrant will be served on GOOGLE, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

REQUEST FOR SEALING

35. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee/continue flight from

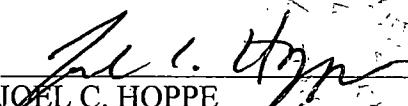
prosecution, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

Respectfully submitted,



David Wolf
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on January 11, 20119



JOEL C. HOPPE
UNITED STATES MAGISTRATE JUDGE